

## **REMARKS/ARGUMENTS**

### **I. Status of Claims**

Claims 1 and 3-17 are pending with claims 1 and 17 being independent.

### **II. Rejections under 35 U.S.C. §103(a)**

#### **Claims 1, 3, 5-6, and 17**

Claims 1, 3, 5-6, and 17 are rejected under 35 U.S.C. §103(a) as being unpatentable over Pirskanen et al. (U.S. Pub. No. 2004/0157640 – hereinafter Pirskanen) and in view of Khawand et al. (U.S. Pub. No. 2004/0037304 – hereinafter Khawand). Applicants respectfully traverse this rejection.

Claim 1 recites a method for initiating uplink signaling by a UE receiving a multimedia multicast/broadcast service (MBMS), the method comprising, inter alia, *“wherein the information received over the MBMS control channel includes an indication selectively indicating between at least two causes, the at least two causes being UE counting and establishment of a point-to-point channel used by the MBMS”*.

In the final Office Action, the Examiner acknowledges the deficiency of Pirskanen in teaching *the information received over the MBMS control channel includes an indication selectively indicating between at least two causes, with one cause being establishment of a point-to-point channel used by the MBMS*, and instead cites Khawand, particularly, Fig. 4A and related descriptions of Khawand, as disclosing this feature. To be more specific, the Examiner equates an indication for *establishment of a radio bearer* to an indication for *establishment of a point-to-point channel*, and apparently refers to message 424 of Khawand, namely the “RADIO BEARER SETUP COMPLETE” message, as information containing such an indication.

However, the above-quoted claimed feature relates to *the information received over the MBMS control* On the other hand, the “RADIO BEARER SETUP

COMPLETE” message, which the Examiner apparently refers to, is not disclosed as being transferred over *an MBMS control channel*.

In addition, the “RADIO BEARER SETUP COMPLETE” message is merely a message *reporting* the completion of setting up a radio bearer, and therefore, by definition, does not indicate any cause, such as *a cause being establishment of a point-to-point channel used by the MBMS*, as the above-quoted feature relates to. In other words, the Examiner errs in not giving any substantive meaning to the claim term “cause”.

Furthermore, the Examiner assumes without providing any factual basis to support the Examiner’s contention that an establishment of a radio bearer necessarily discloses or suggests an establishment of a point-to-point channel, as the above-quoted feature relates to.

Therefore, it can be easily seen that the cited Fig. 4A of Khawand is irrelevant to *information received over the MBMS control channel including an indication indicating between at least two causes, with one cause being establishment of a point-to-point channel used by the MBMS*, which, as noted above, is what is missing in Pirksnanen. Accordingly, Khawand does not cure the above-noted deficiency of Pirksnanen. As such, claim 1 should be allowable over Pirksnanen and Khawand, and the rejection of Pirksnanen and Khawand should therefore be withdrawn.

Claim 17 contains subject matter related to that of claim 1. Accordingly, for at least the same reasons stated above in connection with claim 1, the rejection of claim 17 should be withdrawn.

The rejection of claims 2-3 and 5-6 should be withdrawn at least by virtue of their dependency from claim 1.

Claims 4 and 7-16

Claims 4 and 9 are rejected under 35 U.S.C. §103(a) as being unpatentable over Pirskanen in view of Khawand, and further in view of Ho (U.S. Pub. No. 2003/0236085 – hereinafter Ho). Claims 7 and 8 are rejected under 35 U.S.C. §103(a) as being unpatentable over Pirskanen in view of Khawand and Ho, and further in view of Park et al. (U.S. Patent No. 6,782,274 – hereinafter Park). Claims 10 and 12 are rejected under 35 U.S.C. §103(a) as being unpatentable over Pirskanen in view of Khawand and further in view of Marjelund et al. (U.S. Patent No. 7,433,334 – hereinafter Marjelund). Claim 11 is rejected under 35 U.S.C. §103(a) as being unpatentable over Pirskanen in view of Khawand and further in view of Koulakiotis et al. (U.S. Patent No. 7,031,694 – hereinafter Koulakiotis) and further in view of Marjelund. Claim 13 is rejected under 35 U.S.C. §103(a) as being unpatentable over Pirskanen in view of Khawand, and further in view of Koo et al. (U.S. Pub. No. 2002/0110106 - hereinafter Koo) and Wallentin et al. (U.S. Pub. No. 2003/0003895 – hereinafter Wallentin). Claims 14 and 15 are rejected under 35 U.S.C. §103(a) as being unpatentable over Pirskanen in view of Khawand and further in view of Koulakiotis, and yet further in view of Marjelund and Van Lieshout et al. (U.S. Patent No. 6,850,759 – hereinafter Van Lieshout). Claim 16 is rejected under 35 U.S.C. §103(a) as being unpatentable over Pirskanen in view of Khawand, and further in view of Terry (U.S. Pub. No. 2004/0266447 – hereinafter Terry) and further in view of Van Lieshout.

The rejection of claims 4 and 7-16 should be withdrawn at least by virtue of their dependency from claim 1 and the fact that the cited secondary references do not cure the above-noted deficiencies of Pirskanen and Khawand.

### III. Conclusion

In view of the above, it is believed that this application is in condition for allowance and notice to this effect is respectfully requested. Should the Examiner have any questions, the Examiner is invited to contact the undersigned at the telephone number indicated below.

Should any/additional fees be required, the Director is hereby authorized to charge the fees to Deposit Account No. 18-2220.

Respectfully submitted,



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